

GAHC010160892019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./529/2019

THE NATIONAL INSURANCE CO. LTD.,
REGD. HEAD OFFICE AT 3, MIDDLETON STREET, CALCUTTA, REP. BY THE
MANAGER, GAUHATI REGIONAL OFFICE, BHANGAGARH, GUWAHATI-
781005.

VERSUS

MUSSTT. ANWARA BEGUM LASKAR AND 6 ORS.
W/O. LT. JAYNUL HUSSAIN LASKAR, R/O. VILL. KANCHANPUR T.E., P.O.
NISCHINTAPUR, P.S. HAILAKANDI, DIST. HAILAKANDI, ASSAM, PIN-
788164.

2:MUSUK AHMED LASKAR @ MASUQ
S/O. LT. JAYNUL HUSSAIN LASKAR
R/O. VILL. KANCHANPUR T.E.
P.O. NISCHINTAPUR
P.S. HAILAKANDI
DIST. HAILAKANDI
ASSAM
PIN-788164. (RESPONDENT NO. 3 TO 5 ARE REP. BY RESPONDENT NO.1)

3:MOMOTAZ BAHAR LASKAR
D/O. LT. JAYNUL HUSSAIN LASKAR
R/O. VILL. KANCHANPUR T.E.
P.O. NISCHINTAPUR
P.S. HAILAKANDI
DIST. HAILAKANDI
ASSAM
PIN-788164. (RESPONDENT NO. 3 TO 5 ARE REP. BY RESPONDENT NO.1)

4:DIDAR AHMED LASKAR
S/O. LT. JAYNUL HUSSAIN LASKAR

R/O. VILL. KANCHANPUR T.E.
P.O. NISCHINTAPUR
P.S. HAILAKANDI
DIST. HAILAKANDI
ASSAM

PIN-788164. (RESPONDENT NO. 3 TO 5 ARE REP. BY RESPONDENT NO.1)

5:SAHNAZ AHMED LASKAR
S/O. LT. JAYNUL HUSSAIN LASKAR
R/O. VILL. KANCHANPUR T.E.
P.O. NISCHINTAPUR
P.S. HAILAKANDI
DIST. HAILAKANDI
ASSAM

PIN-788164. (RESPONDENT NO. 3 TO 5 ARE REP. BY RESPONDENT NO.1)

6:NIRMOL KANTI DAS
S/O. SRI NEHARI LAL DAS
VILL. RANGABAK PT-I
P.O. RANGABAK
P.S. KATLICHERRA
DIST. HAILAKANDI
ASSAM
PIN-788161.

7:PROBASH KR. SINGHA (DRIVER)
S/O. SRI DEBANDRA KR. SINGHA
R/O. VILL. RONGPUR PT.-IV
P.O. RONGPUR
P.S. SILCHAR
DIST. CACHAR
ASSAM
PIN-788009

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent : MR. M TALUKDAR

NATIONAL LOK ADALAT

(HELD ON 09TH OF SEPTEMBER, 2023)

:::BEFORE:::

HON'BLE MRS. JUSTICE MITALI THAKURIA

Name of the Conciliators:

1. Ms. Purnima Baruah Bordoloi
2. Mr. Dipankar Kumar Bagchi

ORDER

The case is put up before the National Lok Adalat.

The Insurance Company is represented by its officials.

The claimants Nos. 1, 2 & 3 are duly present along with their engaged counsel. However, the claimant Nos. 4 & 5 are absent today.

It is submitted that the earlier awarded amount was Rs.37,26,250/-(Rupees thirty-seven lakhs twenty-six thousand two hundred fifty only) and out of which Rs.18,63,125/-(Rupees eighteen lakhs sixty-three thousand one hundred twenty-five only) has already been paid. After negotiation, both the parties are agreed to settle the matter on an amount of Rs.18,63,000/-(Rupees eighteen lakhs sixty-three thousand only) as full and final settlement.

From the settlement award Rs. 3,00,000/-(Rupees three lakhs only) each shall be given to the claimant Nos. 2, 3, 4, & 5 and the remaining amount shall be given to the claimant No.1.

In this regard, the learned engaged counsel for the claimants have submitted that the earlier deposited amount i.e. Rs.18,63,125/-(Rupees eighteen lakhs sixty-three thousand one hundred twenty-five) only has not yet been received and withdrawn by them till date.

In this context, the learned counsel appearing on behalf of the Insurance Company has submitted that from the earlier awarded amount of Rs.37,26,250/-(Rupees thirty-seven lakhs twenty-six thousand two hundred fifty only) and out of which Rs.18,63,125/-(Rupees eighteen lakhs sixty-three thousand one hundred twenty-five only) has already been deposited before the Registry.

In view of the above submissions, the Registry is hereby asked to verify the same and if the same is deposited, it is directed to disburse the amount amongst the claimants on the basis of the division made in the final settlement award.

Accordingly, the appellant/National Insurance Company Ltd. is hereby directed to deposit the remaining amount within 2 months from today before the Registry of this Court along with that the Registry is hereby asked to allow the claimant to withdraw the earlier deposited amount, if any. The claimants will be at liberty to withdraw the same on being proper verification and identification by the concerned counsel of the case.

Registry is further directed to return the statutory deposited amount of Rs. 25,000/- (Rupees twenty five thousand) only to the Insurance Company, if any.

The MAC Appeal is disposed of.

JUDGE

Comparing Assistant